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In re Application of
MARK B. COSTANZO
U.S. Application No.: 10/604,033
Filing Date: 23 June 2003
Attorney Docket No.: 800769
For: RESILIENT ELASTOMERIC STRUCTURE

DECISION
ON PETITION
TO CONVERT

This decision is in response to applicants' "Petition to Under 37 CFR 1.181 to Have the Application Converted From a 35 U.S.C. 111 Filing to a 35 U.S.C. 371 national stage filing" filed on 11 August 2004 which is treated as a request to convert the above-captioned application to a national stage application of PCT/US02/01144 pursuant to 35 U.S.C. 371. The \$130.00 fee has been charged to petitioner's deposit account card as authorized.

A review of the above-captioned application file verifies that it was properly processed under 35 U.S.C. 111(a). Applicant filed the above-captioned application using the Electronic Filing System (EFS) on 23 June 2003. A national stage filing under 35 U.S.C. 371 using the EFS is not allowed at this time.¹ Accordingly, the application was properly processed as a filing under 35 U.S.C. 111(a).

Nonetheless, applicant's petition to convert the application to a national stage filing will be considered. U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available.

In the present petition, applicants have not made a showing that a loss of patent rights would occur if the above-captioned application is a filing under 35 U.S.C. § 111(a).

According, the present petition is **DISMISSED** for lack of showing of sufficient cause.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2)**

¹ See Electronic Filing System - Frequently Asked Questions (FAQs)
(<http://www.uspto.gov/ebs/efs/faq/whattype.htm#eight>)

May I electronically file an international application under 35 U.S.C. 371 National stage?

At this time EFS does not provide all the capabilities needed to author, submit and initially process electronic documents and attachments required for a complete 35 U.S.C. 371 National stage filing . . .

MONTHS from the mail date of this decision. No additional petition fee is required.

This application is being forwarded to OIPE for further processing under 35 U.S.C. 111(a).



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